

FILED



4:00 pm, 4/25/24

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

Margaret Botkins
Clerk of Court

BCB CHEYENNE LLC,

Plaintiff,

vs.

Case No. 23-CV-79-ABJ

MINEONE WYOMING DATA
CENTER LLC et al,

Defendants.

REVISED SCHEDULING ORDER

Anticipated Length of Trial: 10 days

Jury: Non-Jury: X

1. 5/10/2024 **RULE 12(b) MOTION TO DISMISS**
2. 5/17/2024 **RESPONSES TO RULE 12(b) MOTION TO DISMISS**
3. 5/22/2024 **HEARING ON RULE 12(b) MOTION TO DISMISS** will be held at 10:30 a.m. via zoom.
4. 7/15/2024 **EXPERT WITNESSES FOR DEFENDANT** shall be identified by a report listing the qualifications of each expert, each opinion the expert will present, and the basis for each opinion. All designations of expert witnesses must fully comply with the provisions of Fed. R. Civ. P. 26, including but not limited to, Fed. R. Civ. P. 26(a)(2) and the provisions of Local Rule 26.1(e). Expert witness designations and reports should be filed and served.

Any expert report setting forth expert opinions must include any and all exhibits used to summarize or support the report, and counsel are reminded that this

requirement includes demonstrative exhibits as well.


5. 9/17/2024 **ALL DISCOVERY, including fact discovery, and expert witness depositions** must be completed by this date. Written discovery requests are not timely if they are filed so close to this deadline that the recipient would not be required under Federal Rules of Civil Procedure to respond until after the deadline.
6. 10/4/2024 **DISPOSITIVE MOTIONS** to be filed no later than this date. Requests for oral argument or hearing must be filed at the same time dispositive motions are filed. No hearing will be held on any dispositive motion in the absence of a timely request for hearing and as further ordered by the Court by separate order. **Generally, however, all dispositive motions will be decided on the briefs without oral argument.**
7. 10/18/2024 **RESPONSES TO DISPOSITIVE MOTIONS** to be filed by this date or, if dispositive motions are filed earlier than the date set out in paragraph 11, above, within 14 calendar days after service of the dispositive motion. Requests for oral argument or hearing must be filed at the same time responses to dispositive motions are filed. No hearing will be held on any dispositive motion in the absence of a timely request for hearing and as further ordered by the Court by separate order. **Generally, however, all dispositive motions will be decided on the briefs without oral argument.**
8. 10/25/2024 **REPLIES TO DISPOSITIVE MOTIONS** may only be filed if no oral argument or hearing has been set upon request and must be filed within 7 calendar days after service of any response brief, or no later than this date. No oral argument will be held if a reply is filed.
9. 10/18/2024 **ALL OTHER PRETRIAL MOTIONS** (including *Daubert/Kumho* motions and motions pursuant to Fed. R. Evid. 702, but **not** including other motions in limine) will be filed by this date. *Daubert/Kumho* motions, motions to strike experts and motions pursuant to Fed. R. Evid. 702, should not be filed and disguised as motions in limine and must be filed by this date.
10. 11/1/2024 **RESPONSES TO ALL OTHER PRETRIAL MOTIONS** (including *Daubert/Kumho* motions, motions to strike experts and motions pursuant to Fed. R. Evid. 702, but **not** including other motions in limine) will be filed by this date.
11. 11/8/2024 **REPLIES TO ALL OTHER PRETRIAL MOTIONS** (including *Daubert/Kumho* motions, motions to strike experts and motions pursuant to Fed. R. Evid. 702, but **not** including other motions in limine) will be filed by this

date.

12. 11/8/2024 **JOINT FINAL PRETRIAL MEMORANDUM** shall be filed on or before this date. Plaintiff is responsible for timely filing the complete Joint Final Pretrial Memorandum in the form set forth in Appendix C to the Court Procedures for Judge Alan B. Johnson. In addition to filing the Joint Final Pretrial Memorandum, it must also be sent as an attachment via email directly to Judge Johnson's Chambers, wyojudgeabj@wyd.uscourts.gov, formatted for Microsoft Word.
13. 11/8/2024 **MOTIONS IN LIMINE** shall be filed by this date.
14. 11/22/2024 **RESPONSES IN OPPOSITION TO MOTIONS IN LIMINE** shall be filed 14 calendar days after the motion in limine is filed or no later than this date.
15. 12/2/2024 **REPLIES TO RESPONSES IN OPPOSITION TO MOTIONS IN LIMINE** shall be filed 7 calendar days after the response to the motion in limine is filed or no later than this date.
16. 1/10/2025 **FINAL PRETRIAL CONFERENCE** shall be held on this date at 9:30 a.m. in Cheyenne, Wyoming. One hour will be allotted for the final pretrial conference. The parties shall exchange exhibits and witness lists prior to the date set for the Final Pretrial Conference.
17. 1/27/2025 **NON-JURY TRIAL** shall be held on this date in Cheyenne, Wyoming, commencing at 9:30 a.m.
20. 10/30/2024 **MEDIATION:** Parties will schedule mediation of dispute.

DEADLINES WILL NOT BE CHANGED, ABSENT COMPELLING OR EXTRAORDINARY CIRCUMSTANCES. THE PARTIES SHOULD INFORM THEMSELVES OF ALL OTHER DEADLINES THAT ARE APPLIED BY THE COURT, REFLECTED IN THE COURT PROCEDURES FOR HONORABLE ALAN B. JOHNSON, AND THE APPENDICES IN THE COURT PROCEDURES, INCLUDING THE JOINT FINAL PRETRIAL MEMORANDUM AND FINAL PRETRIAL ORDER.

Dated this 25th day of April 2024.


ALAN B. JOHNSON
UNITED STATES DISTRICT JUDGE